

**MEDICAL EXAMINING BOARD
MINUTES
AUGUST 17, 2005**

PRESENT: Drs. Lief Erickson; Alfred Franger; Jon Gudeman; Jack Lockhart; Ian Munro; Gene Musser; Sandra Osborn; Bhupinder Saini; and Virginia Heinemann; Dr. Kailas (via telephone) for portions of the meeting

ABSENT: Dr. Miota,

STAFF: Tom Ryan, Bureau Director; Colleen Baird, Legal Counsel; PJ Monson, Bureau Assistant

GUESTS: Jeremy Levin, WI Medical Society

CALL TO ORDER

Dr. Alfred Franger called the meeting to order at 8:01 a.m. There was a quorum of 9 members present.

Secretary Celia Jackson:

Secretary Jackson greeted the board and reiterated her open door policy for all Board members.

APPROVAL OF AGENDA

Additions to Agenda:

Item “D” – Calls taken by Patti Darwin regarding the 7-year rule

After Item “Y” – Wisconsin Society of Anesthesiologists – Petition for Declaratory Ruling

After Item “Y” – DOE Pending Cases

MOTION: Ms. Heinemann moved, seconded by Dr. Saini, to approve the agenda of July 20, 2005, with additions. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 15, 2005

Amendments to Minutes:

- Screening Panel Report – 33 complaints, 10 opened and 23 were not opened.

MOTION: Dr. Saini moved, seconded by Dr. Gudeman, to approve the July 20, 2005 minutes with amendment. Motion carried unanimously.

Screening Panel Report:

The screening panel reported that it reviewed 28 complaints: 9 were opened, 19 were not opened.

ADMINISTRATIVE REPORT

Tom Ryan explained the mileage allowance increase to the Board members and also indicated the department move to the newly remodeled location is still on schedule.

**PRESENTATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS**

Patrick J. Scott, MD

Attorney Jeanette Lytle presented the Proposed Stipulation, Final Decision and Order in the matter of Patrick J. Scott, MD.

James J. Scerpella, MD

Attorney Jeanette Lytle presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against James J. Scerpella, MD.

Gabriel A. Szekely, MD

Attorney Arthur Thexton presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Gabriel A. Szekely, MD.

Timothy H. Werner, MD

Attorney Michael Berndt presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Timothy H. Werner, MD.

Marshall L. Berman, MD

Attorney Michael Berndt, presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Marshall L. Berman, MD.

**PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE RECEIVED
IN THE BUREAU AFTER MAILING OF AGENDA**

None.

**PRESENTATION OF PROPOSED DECISIONS THAT MAY BE RECEIVED IN
THE BUREAU AFTER MAILING OF THE AGENDA**

None.

**TRAVEL REQUEST – CITIZEN ADVOCACY CENTER 2005 ANNUAL
MEETING – MEASURING PERFORMANCE – BOARD CONSIDERATION**

MOTION: Ms. Heinemann moved, seconded by Dr. Osborn, to approve Dr. Musser's attendance at the Citizen Advocacy Center 2005 Annual Meeting. Motion carried unanimously.

**CORRESPONDENCE FROM MAHENDR S. KOCHAR, MD, MACP RE: 7 YEAR
RULE – MEDICAL COLLEGE OF WISCONSIN**

The Board discussed a letter from Dr. Kochar as well as recent calls and questions to the department with regard to the 7-year rule.

MOTION: Dr. Munro moved, seconded by Dr. Gudeman, to keep the rule as written. Motion carried unanimously.

Tom Ryan will work with Dr. Franger in responding to Dr. Kochar's letter with regard to the Boards stance on the 7-year rule.

INFORMATIONAL ITEMS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Dr. Saini moved, seconded by Ms. Heinemann, to adjourn to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Motion carried by roll call vote: Dr. Franger; Dr. Gudeman-yes, Dr. Lockhart-yes, Dr. Erickson-yes; Ms. Heinemann-yes, Dr. Munro-yes; Dr. Musser-yes; Dr. Osborn-yes; Dr. Bhupinder Saini-yes.

Open Session recessed at 8:47 a.m.

RECONVENE TO OPEN SESSION

Dr. Kailas re-joined the meeting via teleconference.

MOTION: Dr. Munro moved, seconded by Dr. Saini, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 1:07 p.m.

Wisconsin Society Of Anesthesiologists – Petition For Declaratory Ruling:

The Board discussed the Petition for Declaratory Ruling and will be addressing the topic at the September meeting.

**DELIBERATION OF THE PROPOSED DECISION IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST ERIC POULIN, MD**

MOTION: Dr. Gudeman moved, seconded by Dr. Osborn, to accept the ALJ's decision on the Findings of Fact, Conclusions of Law and Order, and to not accept the recommendation of costs in the matter of disciplinary proceedings against Eric Poulin, MD. Motion carried. Ms. Heinemann – no; Dr. Lockhart and Dr. Munro abstained.

MOTION: Dr. Osborn moved, seconded by Dr. Erickson, to allow Colleen Baird to prepare the variance draft for Dr. Franger's final review. Motion carried unanimously. Dr. Lockhart and Dr. Munro abstained.

**DELIBERATION OF THE PROPOSED DECISION GRANTING
MOTION TO DISMISS IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST RICHARD D. TURCOTT, MD**

MOTION: Dr. Musser moved, seconded by Dr. Osborn, to adopt the ALJ's Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Richard D. Turcott, MD. Motion carried unanimously. Dr. Gudeman abstained.

**DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS
AND ORDERS**

Dr. Kailas joined the meeting via teleconference.

PATRICK SCOTT, MD

MOTION: Ms. Heinemann moved, seconded by Dr. Saini, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Patrick Scott, MD – 04 MED 267. Motion carried unanimously. Dr. Lockhart abstained.

JAMES J. SCERPELLA, MD

MOTION: Dr. Erickson moved, seconded by Dr. Munro, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in

the matter of disciplinary proceedings against James J. Scerpella, MD – 04 MED 028. Motion carried unanimously. Dr. Gudeman and Dr. Saini abstained.

GABRIEL A. SZEKELY, MD

MOTION: Dr. Saini moved, seconded by Dr. Munro, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Gabriel A. Szekely, MD – 02 MED 056. Motion carried unanimously.

TIMOTHY H. WERNER, MD

MOTION: Dr. Saini moved, seconded by Dr. Osborn, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Timothy H. Werner, MD – 05 MED 018. Motion carried unanimously.

MARSHALL L. BERMAN, MD

MOTION: Dr. Musser moved, seconded by Dr. Erickson, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Marshall L. Berman, MD - 05 MED 054. Motion carried unanimously. Dr. Gudeman abstained

DELIBERATION OF PROPOSED COMPLAINT

02 MED 315

MOTION: Dr. Osborn moved, seconded by Ms. Heinemann, in favor of a finding of probable cause to issue the complaint in the matter of **Donald F. Stonefeld, MD - 02 MED 315**. Motion carried unanimously. Dr. Gudeman abstained.

04 MED 241

MOTION: Dr. Munro moved, seconded by Dr. Osborn, in favor of a finding of probable cause to issue the complaint in the matter of **Neal J. Schroeter, MD - 04 MED 241**. Motion carried unanimously. Dr. Saini abstained.

DELIBERATION OF ADMINSTRATIVE WARNING

04 MED 505

MOTION: Ms. Heinemann moved, seconded by Dr. Musser, to issue the administrative warning, in the matter of **Kanwar Arora, MD - 04 MED 505**. Motion carried unanimously. Dr. Munro abstained.

Dr. Kailas left the meeting.

DOE MONITORING

**DAVID HANES, DO
ANNUAL APPEARANCE**

Dr. Hanes appeared before the Board.

MOTION: Dr. Munro moved, seconded by Dr. Saini, to move next review date from June of 2006 to November 2006 in the matter of David Hanes, MD. Motion carried unanimously.

**RAYMOND KOZIOL, MD
ANNUAL APPEARANCE – PETITION FOR 3 MONTH STAY**

Dr. Koziol appeared before the Board.

MOTION: Dr. Saini moved, seconded by Dr. Osborn, to grant the 3 month stay in the matter of Raymond Koziol, MD. Motion carried unanimously. Dr. Gudeman abstained.

**THOMAS RANKIN, MD
REQUEST FOR REINSTATEMENT**

Dr. Rankin and Attorney William Wick appeared before the Board.

MOTION: Dr. Osborn moved, seconded by Dr. Musser, to ask Thomas Rankin, MD to submit information equivalent to a reapplication for licensure, including but not limited to a National Practitioner Databank Report, a Circuit Court Access Report, documentation of CME complete since revocation, professional references and information relating to all malpractice actions. Approval of request for reinstatement deferred pending Board review of requested information. Motion carried unanimously.

**DAVID ONSRUD, DO
REQUEST FOR THREE-MONTH STAY
AND MODIFICATION**

MOTION: Dr. Gudeman moved, seconded by Ms Heinemann, to approve the three month stay with modification in the matter of David Onsrud, MD. Motion carried unanimously. Dr. Lockhart abstained.

**JOHN RANDALL, MD
POSSIBLE VIOLATION OF BOARD ORDER**

MOTION: Dr. Musser moved, seconded by Dr. Erickson, to send a letter defining controlled substances and the current Board order requirements to John Randall, MD. Motion carried unanimously.

**ROBIN FERRON, MD
REQUEST FOR MODIFICATION OF ORDER**

MOTION: Dr. Musser moved, seconded by Dr. Munro, to approve the modification of order for Robin Ferron, MD. Motion carried unanimously. Dr. Saini abstained.

**JULIE DEJONG, MD
REINSTATEMENT OF LICENSE**

MOTION: Dr. Munro moved, seconded by Dr. Lockhart, to reinstate license for Julie Dejong, MD. Motion carried unanimously.

**JOHN FERRIS, MD
REPORT REVIEW**

The Board reviewed Dr. Ferris' file and upheld the June order requiring biannual reports and releasing Dr. Ferris from UA testing.

DELIBERATION OF PETITION FOR AMENDING THE ORDER

SHIRLEY YEZDI GODIWALLA, MD

MOTION: Ms. Heinemann moved, seconded by Dr. Lockhart, to deny the petition for amending the discipline or in the alternative accepting program at Children's Hospital of Philadelphia as discipline in the matter of discipline proceedings against Shirley Yezdi-Godiwalla, MD. Motion carried unanimously. Dr. Erickson abstained.

DOE CASE CLOSINGS

03 MED 326 AND 04 MED 078,114,115, AND 125

MOTION: Dr. Gudeman moved, seconded by Dr. Lockhart, to close case 03-MED 326 and 04 MED 078,114,115, and 125 for prosecutorial discretion (P7). Motion carried unanimously.

02 MED 488

MOTION: Dr. Munro moved, seconded by Dr. Saini, to close case 02 MED 488 for prosecutorial discretion (P3). Motion carried unanimously.

04 MED 241

MOTION: Dr. Lockhart moved, seconded by Dr. Musser, to close case 04 MED 241 for prosecutorial discretion (P3). Motion carried unanimously.

05 MED 011

MOTION: Dr. Musser moved, seconded by Dr. Osborn, to close case 05 MED 011 for insufficient evidence. Motion carried unanimously.

03 MED 296

MOTION: Dr. Gudeman moved seconded by Dr. Lockhart, to close case 03 MED 296 for prosecutorial discretion (P2). Motion carried unanimously.

04 MED 397

MOTION: Dr. Osborn moved, seconded by Dr. Saini, to close case 04 MED 397 against Ernest Stremski and Angela Beauchaine for no violation and against Jane Balint for no jurisdiction. Motion carried unanimously.

Dr. Kailas re-joined the meeting via teleconference.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Dr. Saini moved, seconded by Dr. Munro, to ratify all licenses presented in closed session. Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED
SESSION IF VOTING IS APPROPRIATE**

MOTION: Dr. Erickson moved, seconded by Dr. Munro, to reaffirm all motions made during closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Dr. Munro moved, seconded by Dr. Lockhart, to adjourn the meeting at 1:08 p.m. Motion carried unanimously.

Next meeting September 14, 2005